

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. HAROLD HILTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-CV-498-JED-FHM
)	
1. WHIRLPOOL CORPORATION,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Whirlpool Corporation (“Whirlpool”), timely files this Notice of Removal pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1441(a) and (c) removing the above-captioned action from the District Court in and for Tulsa County, Oklahoma to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

1. On August 8, 2017, Plaintiff filed a Petition and Summons in the District Court of Tulsa County, Oklahoma styled *Harold Hilton v. Whirlpool Corporation*, Case No. CJ-2017-03114.

2. Whirlpool was served with a copy of the Petition and Summons on August 11, 2017. A copy of the state court docket sheet is attached hereto as Exhibit “1.” A copy of the process served on Whirlpool is attached hereto as Exhibit “2.”

3. Plaintiff filed his Petition seeking to recover damages for allegations of discrimination based on age in violation of the Age Discrimination in Employment Act

(“ADEA”) 29 U.S.C. § 621, *et seq.* and the Oklahoma Anti-Discrimination Act (“OADA”) 25 O.S. § 1304 *et seq.* [Petition ¶¶18-28, Exhibit “2”]

4. Whirlpool has not yet filed an Answer or responsive pleading in the state court action. In filing this Notice of Removal, Whirlpool does not waive any defense or counterclaim that may be available.

5. The actions alleged by Plaintiff in his Petition are alleged to have occurred in Tulsa County, Oklahoma and, therefore, venue is proper in this Court.

6. Pursuant to 28 U.S.C. §1331 and §1441, this Court has original jurisdiction over Plaintiff’s ADEA and OADA claims, which arise under the laws of the United States.

7. This Notice of Removal is being filed within thirty days after receipt of the Petition as required by 28 U.S.C. §1446(b).

8. A copy of this Notice of Removal will be filed with the Clerk of the District Court in and for Tulsa County for the State of Oklahoma and served upon Plaintiff as required by 28 U.S.C. §1446(d).

9. All fees required by law in connection with this Notice have been paid by Defendant.

10. By virtue of this Notice of Removal, Defendant does not waive its right to assert any rights, claims, or other motions, including Fed.R.Civ.P. Rule 12 motions, permitted by the Federal Rules of Civil Procedure or other applicable rules or laws.

WHEREFORE, for the above reasons, Defendant, Whirlpool Corporation, hereby gives Notice of Removal of the pending action in District Court of Tulsa County, State of Oklahoma.

Respectfully submitted,

s/Kimberly Lambert Love

Kimberly Lambert Love, OBA #10879

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***Attorney for Defendant,
Whirlpool Corporation***

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of August 2017, I mailed a true and correct copy of the above and foregoing via U.S. Mail to the following:

Daniel E. Smolen
Smolen, Smolen & Roytman, PLLC
701 South Cincinnati Avenue
Tulsa, OK 74119

s/Kimberly Lambert Love